



Early Stakeholder Outreach — Solid Waste Incinerator/Energy Recovery Facility Rules

Ohio EPA prepares early stakeholder outreach fact sheets to ensure stakeholders are brought into the review process as early as possible and to obtain additional input and discussion before development of interested party draft rules.

What do these OAC Rules cover?

The following four rules in Ohio Administrative Code (OAC) Chapter 3745-27 cover solid waste incinerators and solid waste energy recovery facilities, and persons seeking to submit a permit to install application for such a facility.

3745-27-50	Solid waste incinerator or solid waste energy recovery facility permit to install application.
3745-27-51	Additional criteria for approval of solid waste incinerator or solid waste energy recovery facility permit to install applications.
3745-27-52	Operation of solid waste incinerator and solid waste energy recovery facilities.
3745-27-53	Final closure of solid waste incinerator or solid waste energy recovery facilities.

Why are these rules being sent out for Early Stakeholder Outreach?

Rules in OAC Chapter 3745-27 are scheduled for their five-year review under ORC section 106.03. Ohio EPA Division of Materials and Waste Management (DMWM) is seeking early stakeholder input on revisions to these solid waste incinerator/energy recovery facility rules to gain feedback on opportunities to improve these rules. As part of the rule-making process, Ohio EPA would like to consult with organizations that represent political subdivisions, environmental interests, business interests, and others affected by the rules. The Ohio EPA is offering your organization the opportunity to comment on these rules before the division formally proposes them.

The first step in the ORC section 106.03 five-year review is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created. In response to EO 2011-01K, Ohio EPA has added an additional step to ensure stakeholders are brought into the rule process as early as possible. This additional interested party notification and request for information will allow for early feedback before the rule language has been developed by the Agency.

What changes are being considered?

Ohio EPA is proposing to file a determination with JCARR to retain these rules without change. Ohio EPA feels that amendments to this rule are not necessary at this time.

How can I provide input?

The Agency is seeking stakeholder input on the solid waste incinerator/energy recovery facility rules in OAC Chapter 3745-27. When preparing your comments, be sure to:

- explain your views as clearly as possible;
- describe any assumptions used;
- provide any technical information and/or data used to support your views;
- explain how you arrived at your estimate for potential burdens, benefits or costs;
- provide specific examples to illustrate your views; and
- offer alternatives.

Written comments will be accepted through close of business August 27, 2018. Please submit input to:

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What if I have questions about the rules?

Please contact Annette DeHavilland at annette.dehavilland@epa.ohio.gov or (614) 728-5373.

Who is regulated by these rules?

These rules apply to owners and operators of permitted and licensed solid waste incinerators and solid waste energy recovery facilities, and persons seeking to submit a permit-to-install application for such a facility. These rules also apply to a solid waste incinerator that has a notation on the solid waste license that the incinerator also treats infectious wastes.

What is the rulemaking schedule?

After consideration of stakeholder input, Ohio EPA will prepare recommendations to either retain rules without change or to amend rules. The Agency's next step is then to release a draft version of any amendments to these OAC Chapters for interested party review and comment.

A complete summary of [Ohio EPA's rule-making process](http://epa.ohio.gov/Rules.aspx) is available at <http://epa.ohio.gov/Rules.aspx>. Future steps will also include formally filing to the rules with the Joint Committee on Agency Rule Review (JCARR). At that time, JCARR will include the proposed rule on their meeting agenda and take public testimony. Visit JCARR's website for meeting dates and agenda items at <https://www.jcarr.state.oh.us/>.

How can I track the program and rule-development progress?

Stakeholders are encouraged to sign up for the Agency's electronic mailing list which provides automatic updates about various topics. Registered users will receive progress updates and be notified when new information is posted on regarding the program and these rules. To sign up, go to ohioepa.custhelp.com/ci/documents/detail/2/subscriptionpage.

What input is the Agency seeking?

Ohio EPA is seeking specific input on the solid waste incinerator/energy recovery facility program contained in the four rules in OAC Chapter 3745-27.

The following questions may help guide you as you develop your comments:

- What is not working about an identified rule?
- What options are available for improving the identified rule?
- Are there considerations the Agency should take into account when developing or revising the rule?
- Is there any information or data the Agency should be aware of when developing program concepts or rule language?

Ohio EPA would especially like to hear from businesses and municipalities on how they may be impacted by these rules:

- Would this regulatory program have a positive impact on your business? Please explain how.
- If you feel that this rule has an adverse impact to business, as defined in section 107.52 of the Ohio Revised Code, please provide a summary of the estimated cost of compliance with the rules. Specifically, please identify the scope of the impacted business community; identify the nature of the adverse impact (for example, license fees, fines, employer time for compliance); and quantify, to the best of your ability, the expected adverse impact from the regulation. The adverse impact can be quantified in terms of dollars, hours to comply, or other factors.

Contact

For more information, contact Annette DeHavilland at (614) 728-5373 or annette.dehavilland@epa.ohio.gov.